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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,462	05/10/2005	Tae Won Kim	CU-4095 WWP	5351
26530	7590	10/30/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			SOLD, JENA A	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,462

Applicant(s)

KIM, TAE WON

Examiner

Jena A. Sold

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/05 and 9/22/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the Republic of Korea on 9/5/02. It is noted, however, that applicant has not filed certified copies of the application as required by 35 U.S.C. 119(b).

Therefore, foreign priority has not been established or verified.

### ***Drawings***

2. Figure 1 is described as a side view of the formal blue jeans in the Brief Description of the Drawings (page 2, line 16). Figure 1, however, does not appear to be a side view, and the reference characters correspond with those used in discussion of the prior art, in the Description of the Prior Art (page 1, lines 15-20).

3. In the case that Figure 1 is a Prior Art drawing, Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

If Figure 1 is not Prior Art, it should be discussed in the Detailed Embodiment of the Invention.

4. Additionally, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character 210 has been used to designate both first sticking part 210 and second sticking part 220 in Figure 3 (page 5, lines 17-23).

5. Regarding Figure 4, collar layer 300 has been mislabeled 100 instead.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. Applicant must remove the PCT numbers and WO numbers from the specification of the United States patent application.

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words.

Although the abstract is included in the PCT submitted with the application, the abstract of the disclosure must also be submitted on a separate sheet of paper, without any additional figures or parts of the specification. Correction is required. See MPEP § 608.01(b).

8. The abstract is also objected to because it falls short of the 50-150 word limit, as discussed above.

9. The disclosure is objected to because of the following informalities:

Page 2, line 2: Replace "weist" with "waist."

Page 2, line 18; Page 5, line 2: Replace "vied" with "view."

Page 3, line 15: Replace "acheives" with achieves.

10. Page 2, line 18: Figure 3 is described as a detailed view of Figure 2-A. Figure 2-A, however, is not included in the drawings.

11. Additionally, the specification should be reviewed for grammatical errors and to ensure that discussion of elements such as the zipper structure, fastening mechanisms and similar structures are clear, in terms of both structure and operation. Specifically, the discussion of the "stick-upholding unit" 400 (page 7, lines 12-22) is particularly unclear.

Appropriate correction is required.

### ***Claim Objections***

12. Similarly, the claims should be reviewed for grammatical errors and word choice, to make sure the structure of the invention is claimed in specific and relevant terms.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (U.S. 5575010). Chung discloses a pants garment with an adjustable length wherein the pants garment 1 comprises a waistband 10 (column 1, lines 47-48), a hip part that covers the wearer's hips, and two pant legs 12, each having two symmetrical parts (column 2, lines 6-7) connected at a seam, present applicant's hem which is vertically arranged on both sides of the hip part. Chung further discloses the two symmetrical parts of each leg fastened by two zippers 120 and 121 (column 2, lines 6-8), present applicant's first and second tube divided at the joining part or hem, formed vertically under the hip part in the femoral region, and provided with a zipper to zip and unzip from the lower end upward to adjust the length of the pants. Chung, however, fails to disclose said invention wherein the pair of pants is blue jeans. It is well known in the apparel arts to construct pants garments from denim material thus forming blue jeans. Thus, it would have been obvious to one of ordinary skill in the arts to construct the pants garment of Chung out of denim material so that said pants garment is a pair of blue jeans because blue jeans are a common pants garment and often worn at different lengths, from long pants to cropped pants to short pants.

14. Regarding claims 2 and 3, Chung additionally discloses hook and loop fastening material to allow for the adjustment of the length of the legs 12 whereby a hook tape 110 is fixedly secured to the bottom 11 of each leg and a plurality of vertically spaced loop tapes 111 are respectively fixed to each leg around the inside wall between the bottom 11 and top ends 122 of the zippers 120 and 121 (column 2, lines 9-15), thus

anticipating the "fixing device" of claim 2 and the "magic tape" of claim 3. In order to adjust the length of the pants 1, the zippers 120 and 121 are unfastened and legs 12 are inwardly folded to attach hook tape 110 to one loop tape 111 (column 2, lines 16-20), thereby folding, binding and fixing the zipper inside the jean hem at a certain length.

15. Regarding claim 6, Chung discloses hook tape 110 and loop tape 111, which are strips of material, as visible in Figure 4, disposed on the inside of the pants garment and, in combination, secure the bottom of the zippered pant leg at the desired length. Thus, said hook and loop fastener 110, 111 anticipates present applicant's stick-upholding unit which prevents the hem from fluttering because of the zipper.

16. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. 2236626). Young discloses ventilated pants A, wherein A represents pants, trousers, slacks or the like (column 1, lines 37-38). Said pants, as visible in Figure 1, comprise a waist part, hip part, and jean hem, or inseam, arranged on the inside of the hip part. The pants additionally have first and second legs, present applicant's tubes, divided at said inseam, present applicant's joining part formed vertically in the femoral region under the hip part. Said first and second legs are provided a zipper fastener, as shown at 1, for zipping and unzipping upward from the lower end (column 1, lines 40-41), and allowing for length adjustment of the lower end. Young, as discussed in the preceding paragraphs in relation to Chung, fails to disclose said invention wherein the pants garment is a pair of blue jeans. Because blue jeans

are such a common and versatile type of pants in the apparel arts, it would have been obvious to one of ordinary skill in the art to replace apply the zipper construction of Young on a pair of blue jeans.

17. Regarding claims 2 and 4, Young additionally discloses the cuff 3, through which the zipper fastener passes, held in a raised position by snap fasteners 4 placed one on each side of the slit (column 1, line 43 – column 2, line 2). Thus the set of snap fasteners, present applicant's fixing device having a pair of prominence and depression snaps, allows a wearer to fold, bind, and fix the zipper after it is placed inside the jean hem at a certain length.

18. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over St. Ange (U.S. 6260209). St. Ange discloses a separable pants garment 10 comprising an upper portion surrounding the wearer's waist and a lower portion in a covering relation to a lower torso and leg portions attached thereto (Abstract), thus anticipating present applicant's waist part, hip part and first and second pants tubes. Additionally, as visible in Figure 2 at reference character 20, pants assembly 10 includes a hem vertically arranged in the femoral region under both sides of the hip part, wherein said hem divides the first and second jean tubes and is provided attachment assembly 20, a zipper construction comprising first attachment assembly portion 22 and second attachment portion 24 (column 4, lines 1-6). Said zipper construction allows the pant garment to be zipped and unzipped from the lower end upward, and allows the length of the hem to be adjusted. St. Ange fails to disclose said invention wherein the pants



garment is a pair of blue jeans. For the reasons as outlined in paragraphs 13 and 16 above, it would have been obvious to one of ordinary skill in the art at the time of the invention to construct the pants garment out of denim material thus forming a blue jean.

19. Regarding claim 5, St. Ange further discloses one embodiment of the invention, in which a cover, present applicant's collar layer, is selectively positional in overlying and covering relation to the attachment assembly 20. Said cover is a drape structure having an upper end secured to the inner leg seam 20 of lower portion 14 so as to depend vertically longitudinally downward therefrom in overlying relation to the attachment assembly 20 (column 4, lines 45-52), wherein the attachment structure 20 is preferably a zipper structure (column 4, lines 1-2). Thus said cover or collar layer is vertically arranged on one side of the zipper to prevent its exposure.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is cited on form 892 enclosed herewith.

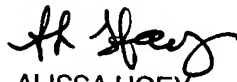
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jena A. Sold whose telephone number is (271) 272-8610. The examiner can normally be reached on Mon. - Fri. 8:30 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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